

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS**

In re:)	In proceedings under Chapter 13
)	Honorable Timothy A. Barnes
Jason J. Barth,)	
)	Case No. 23-01153
)	
Debtor.)	

RESPONSE TO DEBTOR’S AMENDED OBJECTION TO CLAIM 3-2

COMES NOW TD Bank, N.A., successor in interest to TD Auto Finance LLC ("TD Bank"), by counsel, and responds as follows to Debtor’s Amended Objection to its claim:

1. TD Bank admits the allegations contained in paragraphs 1 through 6.
2. TD Bank lacks sufficient information to admit or deny the allegations contained in paragraph 7 and so, denies same.
3. TD Bank admits the allegations contained in paragraph 8.
4. TD Bank denies the allegations contained in paragraph 9 and demands strict proof thereof.
5. TD Bank admits the vehicle was towed on January 13, 2021, but lacks sufficient information to admit or deny the other allegations contained in paragraph 10 and so, denies same.
6. TD Bank admits the allegations contained in paragraph 11.
7. TD Bank lacks sufficient information to admit or deny the allegations contained in paragraphs 12 and 13 and so, denies same.
8. TD Bank admits the allegations contained in paragraph 14.
9. TD Bank denies the allegations contained in paragraphs 15 and 16.
10. TD Bank lacks sufficient information to admit or deny the allegations contained

in paragraph 17 and so, denies same.

11. TD Bank admits the allegations contained in paragraph 18 through 21.

12. TD Bank admits the allegations contained in paragraph 22, but states that said case has been stayed by the filing of this bankruptcy proceeding.

13. TD Bank denies the allegations contained in paragraph 23.

14. Paragraph 24 states a legal conclusion and not a statement of facts which would require a response.

15. TD Bank denies the allegations contained in paragraph 25.

16. TD Bank admits the allegations contained in paragraph 26.

17. TD bank denies the allegations contained in paragraph 27 and demands strict proof thereof.

18. TD Bank denies the allegations contained in paragraph 28 through 33.

19. TD Bank further states that TD Bank was under no requirement to recover the vehicle from the impound lot after its abandonment by Debtor, as section 9-601(a) of the UCC states that a creditor may “reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, ...by any available judicial procedure.”

WHEREFORE, TD Bank respectfully prays that this Court overrule the Debtor’s Amended Objection to this claim.

RIEZMAN BERGER, P.C.

/s/ Kathryn A. Klein
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was electronically served using the CM/ECF system to the following on June 27, 2023:

David H Cutler
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Skokie IL 60076

Attorney for Debtor

Thomas H. Hooper
55 E. Monroe St., Suite 3850
Chicago IL 60603

Chapter 13 Trustee

Office of the United States Trustee
219 S Dearborn St, Room 873
Chicago, IL 60604

I further certify that a copy of the foregoing document was served on the following parties by sending postage prepaid, in the United States Mail, by first-class mail to the following on June 27, 2023:

Jason J. Barth
636 Sycamore Lane
Wheeling IL 60090

Debtor

/s/ Kathryn A. Klein